

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: FEBRUARY 21, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-18279 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: BIOMAT USA - OWNER: CIVIC CENTER PLAZA, LLC. - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR THE EXPANSION OF AN EXISTING BLOOD PLASMA DONOR CENTER at 611-623 Las Vegas Boulevard North (APN 139-27-812-005), C-2 (General Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

1

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Appeal letter filed by Bob Camp
6. Approval letter submitted by Immune Deficiency Foundation dated 01-24-07

Motion made by LAWRENCE WEEKLY to Approve Subject to Conditions and adding the following conditions as read for the record:

A. Plans for a new facade on the entire building shall be submitted for approval by the Planning and Development Department and work shall be completed prior to or concurrent with the final inspection for tenant improvements or remodeling.

B. New landscape and irrigation plan for the entire center shall be submitted to the Department of Planning and Development for approval and implementation prior to final inspection of tenant improvements permit on remodeling. All landscaping shall meet Title 19 requirements and be maintained.

C. Entire parking lot shall be repaired, resealed and repainted prior to final inspection of tenant improvements permit or remodeling.

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D. A new sign plan shall be submitted to Planning and Development for approval. Signage shall meet all requirements of the Title 19 and the Scenic Byways Guidelines.

E. The property shall be cleared of graffiti, debris and trash within 30 days and maintained. All roof equipment shall be repaired or replaced and screened to meet Title 19 requirements.

F. The block wall on the south property line shall be six feet block with two feet wrought iron and installed prior to the final inspection on the tenant improvements, subject to approval of adjacent property owner.

G. All window signage shall meet requirements of Title 19.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
LAWRENCE WEEKLY, LARRY BROWN, LOIS TARKANIAN, STEVE WOLFSON,
OSCAR B. GOODMAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-GARY REESE)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY CHRIS KAEMPFER, Kummer Kaempfer Bonner Renshaw and Ferrario, appeared on behalf of the applicant and explained the benefits of the subject facility and what plasma offers. Plasma centers are indispensable but the perception is that plasma is for alcoholics, drug users or the homeless. He showed a diagram depicting zip codes where there are at least 25 donors. Once a donor, individuals must continue to give plasma but must have picture identification, permanent residence excluding shelters, social security card, blood tests with thorough exams and complete an extensive medical questionnaire. A regular donor can earn up to \$150 to 200 monthly, if donating twice a week. The applicant desires to extend their business to increase the size of the waiting rooms, modernize the bathrooms, and make any upgrades that should have been done by the landlord. With the expansion, the majority of the space would be utilized within the center of the facility.

At COUNCILMAN WEEKLY'S request, a meeting was held with MARILYN GILESPIE regarding the appearance of the building and not wanting any signage on the windows. The applicant is willing to tint all the windows and agreed to having the word "plasma" only on the door but not on the signage. With that MS. GILESPIE supported the project.

AL GALLEGOS opposed to the wall height, so the applicant agreed to placing an additional two feet, making the wall height eight feet. The applicant is willing to address any noise issue and the possibility of installing laundromats at an agreed location.

DAN ROMANO did not like the signs painted on the windows and would like more neon use in signage with an upscale food service center. He also noted CHARLES RICHARD DREW, who

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was the first individual to start the plasma idea and set up the first blood bank in the U.S., which is a fitting tribute for this month.

MAYOR GOODMAN questioned the time remaining on the current lease. ASSISTANT CITY ATTORNEY BRYAN SCOTT expressed caution to the tenant agreeing to conditions without the landlord's consent. ATTORNEY KAEMPFER responded that the existing lease is for 10 years.

MR. GALLEGOS questioned the cost for a pint of plasma. ATTORNEY KAEMPFER responded that the cost is approximately \$125 to create one liter of plasma; the value depends on its use. MR. GALLEGOS believed that a pint of blood costs over \$1,000. He felt that even if the tenant was not the owner, there should still be an agreement because the owner has been a slum lord.

CITY MANAGER DOUGLAS SELBY informed MAYOR GOODMAN that Bonanza Road will be affected. The Mayor felt that the landlord should be present to agree to the conditions. For the record, MICHAEL GOLD, Biomet USA, confirmed that he had already made arrangements with the landlord, STEVEN FAZEKAI, to handle any issues, as his primary residence is in Utah. MR. GOLD assured MAYOR GOODMAN that he could obtain a written agreement from MR. FAZEKAI within two weeks.

After reviewing the materials and having a better understanding of the significance of plasma, MAYOR GOODMAN was now supportive of the request. ATTORNEY KAEMPFER reiterated that the applicant is committed to upgrading this site. He also informed COUNCILMAN WOLFSON that the plasma donated is used all over the United States, such as is the case for blood. He is aware of two other similar centers in the Valley. COUNCILMAN WOLFSON visited the properties and was impressed with the facility. Even though it had the appearance of a hospital, it was clean, modern and appropriate. He thinks the improvements spoken of are great for the area, especially the exterior. If the facility is expanded, then it would alleviate those waiting outside.

MR. GALLEGOS did not feel that the owner has been a good neighbor in the past and desired to see that change. In addition, he requested a copy of the aforementioned agreement be mailed to him.

TED RUSSELL, Las Vegas resident, stated he was a previous donor. He is not as supportive of the facility but understands it is a vital service to the community. For humanitarian reasons alone, the waiting room needs to be expanded as it will alleviate uncomfortable surroundings.

COUNCILMAN WOLFSON quoted backup documentation relative to the applicant stating that despite past problems, the Neighborhood Services Department reported having no record of complaints at the site since prior to 2002.

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DANIEL DEEGAN, 1801 Granite Avenue, noted that the subject use is located on an appropriate site for the future success of the cultural corridor.

COUNCILMAN WEEKLY appreciated MR. DEEGAN'S well wishes. Relative to the proposal, he is aware of some past issues but was comforted by ATTORNEY KAEMPFER'S presentation and his commitment. He was also supportive of the written agreement. He understands the use and the need for it. ATTORNEY KAEMPFER assured the Councilman he will prepare the letter that will list the conditions with the acknowledgement and acceptance on the landlord's part of these conditions, and the letter will be presented in two weeks.

MARGO WHEELER, Director of Planning and Development, read the conditions into the record, to which ATTORNEY KAEMPFER concurred.

MAYOR GOODMAN declared the Public Hearing closed.

